

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

| | | |
|--------------------------------------|---|------------------------|
| SHAWN HORNBECK, et al. |) | |
| each on behalf of himself and others |) | |
| similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 4:18-cv-00523 |
| |) | |
| TRACTOR SUPPLY COMPANY, and |) | |
| SMITTY'S SUPPLY, INC., |) | |
| |) | |
| Defendants. |) | |

**APPLICATION FOR INCENTIVE AWARDS FOR CLASS REPRESENTATIVES AND
FOR AWARD TO CLASS COUNSEL OF ATTORNEYS' FEES AND EXPENSES**

COME NOW PLAINTIFFS, by and through Class Counsel, and for their Application for Incentive Awards for Class Representatives and for Award to Class Counsel of Attorneys' Fees and Expenses ("Application"), state as follows:

1. The Parties to this Action reached a Class Action Settlement which provides substantial relief to Class Members who purchased Super S Super Trac 303 Tractor Hydraulic Fluid in the state of Missouri between May 25, 2013 and the present.

2. The Settlement provides significant compensation payments to Class Members through a Total Settlement Fund of \$1,700,000.00. Pursuant to the Settlement Agreement, the Total Settlement Fund pays for (a) costs of class settlement administration and notice (estimated to be \$68,500.00 or less); (b) incentive awards as ordered by the Court for Class Representatives (\$20,000.00 total requested for four Class Representatives); (c) Class Counsel's expenses as ordered by the Court (\$150,000.00 requested); (d) Class Counsel's attorneys' fees (\$511,500.00 requested); and, (e) Class Member awards (\$950,000.00 Net Fund estimated).

3. The \$950,000 estimated Net Fund for Class Members is sufficient to provide each Settlement Class Member with a monetary award of at least 50% of the average purchase price of the units of Super S Super Trac 303 Tractor Hydraulic Fluid purchased by each such Settlement Class Member who has a valid Claim submitted. That Net Fund will also be sufficient to provide Settlement Class Members hundreds of thousands of dollars in awards for repairs, parts, and/or specific damage to tractors or equipment as a result of use of the Super S Super Trac 303 Tractor Hydraulic Fluid.

4. In the Settlement Agreement, Defendants agreed that out of the Total Settlement Fund, there will be payment of an incentive award to each of the four Class Representatives in the amount of \$5,000.00. The requested \$5,000.00 incentive award for each Class Representative is appropriate and reasonable.

5. Defendants also agreed in the Settlement Agreement that out of the Total Settlement Fund, there will be payment of the Court-awarded attorneys' fees and expenses of Class Counsel. Specifically, Class Counsel seek expenses in the amount of \$150,000.00 and a contingency fee award that equals \$511,500.00. The expenses sought and the contingency fee of 30% requested on Total Settlement Fund are fair and reasonable given the complexity of the issues, the relief obtained, and the time spent by Class Counsel in prosecuting this action.

6. In further support of this Application, Plaintiffs submit their Suggestions in Support.

WHEREFORE, Plaintiffs pray for an order of this Court approving incentive awards of \$5,000.00 to each Class Representative, approving reimbursement of litigation expenses to Class Counsel of \$150,000.00, approving fees to Class Counsel of \$511,500.00, and for such further and other relief as the Court deems just and proper.

Date: February 3, 2020

Respectfully Submitted,

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& CARR, L.L.C

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**ATTORNEYS FOR PLAINTIFFS
AND CLASS MEMBERS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the United States District Court for the Western District of Missouri, with notice of case activity to be generated and sent electronically by the Clerk of the Court to all designated persons this 3rd day of February, 2020.

/s/ Dirk Hubbard